

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Mental Health
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March 16, 2010

Alexander MacLeod
Chairman
Board of Building Regulations and Standards
Department of Public Safety
1 Ashburton Place
Boston, MA 02108

Dear Mr. MacLeod:

I am writing in response to the request for input from the Department of Mental Health (DMH) regarding the proposed adoption of the International Building Code (IBC). As you know, under the current code there are sections which set forth standards for certain residences licensed by DMH. See 780 CMR 421, 425 and 427. The opportunity to comment on the proposed code is appreciated.

After review and comparison of the present and proposed codes, DMH is requesting only small amendments to the IBC. Other provisions of the current code which are not included in the IBC will be addressed by amendments to DMH regulations. It is believed that the amendments requested will not change the requirements imposed on occupancies currently licensed or operated by DMH, and that any changes to such structures will be inspected in accordance with the requirements of Chapter 34, Existing Structures.

The requested amendments are as follows; the particular language requested is detailed in the enclosure:

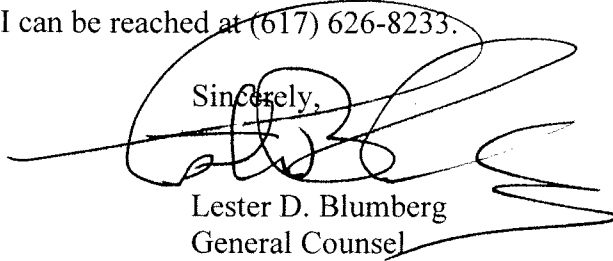
- Amend Chapter 3, Section 308.3, Group I-2, to clarify applicability to residential sites licensed or operated by DMH.
- Amend Chapter 7, Section 708.4, Fire-resistance rating, to increase the fire resistance for vertical openings for residential sites licensed or operated by DMH.

- Amend Chapter 8, Section 803.9, Interior finish requirements, based on group, to increase the requirements for certain residential sites licensed or operated by DMH.

In addition, DMH supports the changes proposed to Chapter 1, regarding the process for “care facilities” and the more frequent inspections of residences licensed by agencies such as DMH. Finally, DMH requests that Section 110.7, Periodic inspections, be amended to change the minimum inspection/maximum certification period from two years to one year for Group I facilities which are licensed or operated by DMH.

If you have further questions, I can be reached at (617) 626-8233.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. Blumberg', is written over the word 'Sincerely,' and the name 'Lester D. Blumberg'.

Lester D. Blumberg
General Counsel

Encl.

308.3 Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care for persons who are not capable of self-preservation.

This group shall include, but not be limited to, the following:

Child care facilities

Detoxification facilities

Hospitals

Mental hospitals

Nursing homes

A building or structure such as above subject to licensure pursuant to 104 CMR 28.00 et seq. or operated by the Department of Mental Health, housing no more than 12 people, shall be classified as Group R-4.

308.3.1 Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

CHILD CARE FACILITIES. Facilities that provide care on a 24-hour basis to more than five children, 21/2 years of age or less.

DETOXIFICATION FACILITIES. Facilities that serve patients who are provided treatment for substance abuse on a 24-hour basis and who are incapable of self-preservation or who are harmful to themselves or others.

HOSPITALS AND MENTAL HOSPITALS.

Buildings or portions thereof used on a 24-hour basis for the medical, psychiatric, obstetrical or surgical treatment of inpatients who are incapable of self-preservation.

NURSING HOMES. Nursing homes are long-term care facilities on a 24-hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than five persons and any of the persons are incapable of self-preservation.

708.4 Fire-resistance rating. Shaft enclosures shall have a *fire-resistance rating* of not less than 2 hours where connecting four *stories* or more, and not less than 1 hour where connecting less than four *stories*. The number of *stories* connected by the shaft enclosure shall include any basements but not any *mezzanines*. Shaft enclosures shall have a *fire-resistance rating* not less than the floor assembly penetrated, but need not exceed 2 hours. Shaft enclosures shall meet the requirements of Section 703.2.1.

Any building or structure subject to licensure by the Department of Mental Health pursuant to 104 CMR 28.00 et seq., or operated by the Department of Mental Health, shall be subject to the vertical openings requirements specified for Group I.

803.9 Interior finish requirements based on group. *Interior wall and ceiling finish* shall have a flame spread index not greater than that specified in Table 803.9 for the group and location designated. *Interior wall and ceiling finish* materials tested in accordance with NFPA 286 and meeting the acceptance criteria of Section 803.1.2.1, shall be permitted to be used where a Class A classification in accordance with ASTM E 84 or UL 723 is required.

A Group R-3 occupancy subject to licensure by the Department of Mental Health pursuant to 104 CMR 28.00 et seq., or operated by the Department of Mental Health, shall apply the interior finish requirements specified for Group R-4.